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Council gives protection to domestic workers

Executive plans to sign bill outlining worker's and employer's obligations County News by Janel Davis | Staff Write

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The County Council has unanimously approved a bill intended to protect domestic workers from being exploited by employers.

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Under the bill, passed Tuesday, employers will be required to provide domestic workers with a written contract detailing terms of employment and offer to negotiate those terms. If an employee rejects the contract, but continues providing services, the employee must sign a waiver.

The bill is designed to help workers in homes, mostly women employed as housekeepers and nannies. It covers employees working more than 20 hours a week for 30 days or more. Employers are not required to file the contracts with the county, but if a complaint is made, they must be able to produce the contract or the waiver for the county's Office of Consumer Protection.

County Executive Isiah Leggett (D) plans to sign the bill.

"These individuals do important work in keeping county households going, caring for our children and our seniors and more," he said in a statement. "It's only right that the county reach out to let them know that they too have rights to deserve to be respected."

The bill will become effective six months after Leggett signs it.

The legislation sponsored by Councilmen George L. Leventhal and Marc Elrich (D-At large), both of Takoma Park, arose from a council-sponsored survey conducted by George Washington University two years ago of almost 300 workers. The survey found that about half earned less than the state's \$6.15 an hour minimum wage and worked an average 58 hours a week. More than half did not speak English, with Spanish being the primary language for 73 percent of the workers. About half had written employment contracts.

During a public hearing in February, workers — many of them immigrants — testified about working long hours for little pay and being forced to perform services not originally agreed to with their employers.

"This legislation deals with a group of low-wage workers with unique working arrangements ... and when you put [employment] terms in writing, you're more likely to end up with things working positively," Leventhal said before Tuesday's vote.

Workers not employed by an agency and caring for disabled or elderly residents 67 and older are excluded from the bill, a change from the original proposal. Councilman Philip M. Andrews (D-Dist. 3) of Gaithersburg successfully proposed an amendment to remove those workers over Leventhal's protests.

Also, the contract requirements would not pertain to certain levels of licensed and certified nurses or to someone who is an immediate family member of the employer.

Antonia Pena has been working as a housekeeper and nanny for about 15 years, including the past nine years she has lived in the United States.

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As a new immigrant from Colombia with limited English, Pena said, she was treated unfairly by her former employers in Potomac.

"When I was working there, I had to work up to 12 hours a day, six days a week, and only got overtime three times in two years," she said.

Since then, Pena has become an advocate for other women in similar situations. "This is important because now we have a base for our rights," she said.

The legislation does not include requirements for vacation, sick leave and holidays for domestic workers, as requested by workers' advocates.

"The legislation is a huge success for domestic workers, however, there is room to improve in other areas, including human rights," said Gustavo Torres, executive director of immigrant advocacy group Casa of Maryland.

Brad Botwin, director of Help Save Maryland, which opposes illegal immigration, testified against the bill in February, calling it "the female version of the day labor centers."

"Where the county is skirting the law and forcing employers to sign contracts with illegal aliens, the day labor centers do the same thing," he said after Tuesday's vote. "The county turns a blind eye to see whether these workers are legal, and we think it's a disgrace."

